



Municipality of North Grenville

Report No.
PD-017-2020

File No.
ZBA-09-20

Date:	July 22nd, 2020 – Special Council Meeting
Subject:	Seabrook 1052 County Road 43, Part Lot 10, Concession 3 Geographic Township of Oxford-on-Rideau, Municipality of North Grenville
Attachments:	Appendix 1: Location Plan and Proposed Zoning Appendix 2: Consent File No. B-22-19 Conditions

RECOMMENDATION

The following recommendation is provided for Council's consideration:

That Council approve Zoning By-law Amendment Application ZBA-09-20 for the lands located at 1052 County Road 43, Part Lot 10, Concession 3, Geographic Township of Oxford on Rideau, Now the Municipality of North Grenville to amend the zoning on a portion of the property from Agriculture One (A1) to Agriculture Two (A2) to prohibit residential uses on the subject lands.

BACKGROUND

The subject property is located at 1052 County Road 43 which is located within the Municipality's rural area. The subject lands are approximately 130 acres in size with frontage on County Road 43, (**Appendix 1**). The property is currently developed with a single detached dwelling and various accessory structures.

Surrounding the subject property are agricultural and rural properties that are either undeveloped or developed with a single detached dwelling and accessory structures.

The property is designated Agriculture on Schedule 'A' of North Grenville's Official Plan and zoned Agriculture One (A1) according to the Municipality's Comprehensive Zoning By-Law (50-12).

DISCUSSION

The applicant is proposing to amend the zoning on the subject property to prohibit future residential development on the retained lands. This zoning amendment application is being applied for as a result of a condition of consent for File No. B-22-19, (**Appendix 2**). The severance application was approved by the County with a condition to sever the existing residential dwelling and accessory structures from the farmland as a surplus agricultural severance resulting from farm consolidation. The proposed severed parcel is 3.09 acres in

size. The existing house and accessory structures will remain on the severed parcel, with the remaining 130 acres to be used for agricultural purposes. It is a requirement of surplus farm severances to re-zone the remaining vacant agricultural lands to prohibit residential uses.

The following zoning by-law amendment application has been reviewed against the following policy documents; Provincial Policy Statement, United Counties of Leeds and Grenville's Official Plan, North Grenville's Official Plan and North Grenville's Comprehensive Zoning By-Law 50-12.

Provincial Policy Statement

The most recent version of the Provincial Policy Statement (PPS) came into effect on May 1, 2020 and requires that all planning matters "shall be consistent with" the policy statement issued under the Act.

Section 1.1.4 of the PPS indicates rural areas are important to the economic success of the province and quality of life. The rural areas have diverse population levels, natural resources and contain prime agricultural areas. Rural areas are to be supported by building upon the rural character, accommodating an appropriate range and mix of housing and by providing opportunities for economic activities in prime agricultural areas (Section 1.1.4.1[a][c][i]). Agricultural uses and normal farm practices should be promoted and protected in accordance with provincial standards (Section 1.1.5.8 & Section 2.3.3.2).

Section 2.3.4.1 of the PPS discourages lot creation in prime agricultural areas, however, a residence surplus to a farming operation as a result of farm consolidation is permitted provided the lot is of a minimum size and that new residential dwellings are prohibited on any remnant parcel of farm lands. It is also a requirement that new lots created comply with the minimum distance separation formulae (Section 2.3.3.3).

United Counties of Leeds and Grenville Official Plan

The subject property is identified within the Rural Land designation on Schedule 'A' of the United Counties of Leeds and Grenville's Official Plan.

Consistent with the policies of the PPS, the policies of the Agricultural Area in the United Counties' Official Plan are to protect and promote agricultural lands, agriculture uses and normal farm practices and to also maintain and enhance the agricultural resource base and farming operations (Section 3.1 [b], Section 3.2 & Section 3.2.1[b][c][d], Section 3.3.1[c]). The United Counties' Official Plan also states that lot creation in rural lands will only be permitted in accordance with the policies of the Counties' and local municipal Official Plans (Section 3.3.3[I]). Section 3.2.5 of the Official Plan also encourages a minimum lot size of 40 hectares for lots created for agricultural land uses.

North Grenville's Official Plan

The subject property is designated *Agriculture* by the Municipality of North Grenville's Official Plan. The intent of North Grenville's Official Plan policies for the agricultural

designation is to protect, maintain and improve the prime agriculture areas for future generations (3.2(a)).

Section 12 of the Official Plan provides direction for land division. For properties within the Agricultural Designation, a surplus residential consent is permitted on the condition that the retained lands are rezoned to prohibit residential uses (12.5.2.2).

North Grenville Comprehensive Zoning By-law 50-12

The subject property is currently zoned Agriculture One (A1) which permits uses including a single detached dwelling and agricultural uses. The lands to be rezoned as Agriculture (A2) to prohibit residential uses is the retained agriculture land parcel of the consent application. The property will be approximately 130 acres in size. This parcel meets the zoning requirements for lot size and lot area of the A2 zone category. See (**Appendix 1**) for the proposed zoning amendment details.

PUBLIC CONSULTATION

This application was circulated to persons and agencies as required by the *Planning Act*. At the time of writing this report letters of no objection was received by Rideau Valley Conservation Authority and the Leeds, Grenville, Lanark District Health Unit.

CONCLUSIONS

It is the opinion of Staff that over time there has been minor fragmentation of the agricultural base through consent activity. It is also increasingly important for bona fide farmers to consolidate agricultural farmland and conserve these lands for agriculture uses. The ability for bona fide farmers to sever a residence which is rendered surplus to their farming operations is one tool available to preserve the agricultural area for future generations and increase the viability of farm operations and conserve agricultural land.

The condition of the concurrent severance application (File No B-22-19) requires that the vacant farm lands be rezoned to prohibit residential uses meets the intent of the Provincial Policy Statement, the United Counties Official Plan and North Grenville's Official to conserve the agricultural land. It is the opinion of Staff that this represents good land use planning as it will protect North Grenville's prime agricultural lands. It is also Staff's opinion that the proposed zoning amendment conforms to and is consistent with policies of the Provincial Policy Statement, the United Counties of Leeds and Grenville's Official Plan and the Municipality's Official Plan and will comply with the Comprehensive Zoning By-Law 50-12.

Recommendation:

Therefore, it is the recommendation of staff that the Committee of the Whole recommend that Council **approve** Zoning By-Law Amendment ZBA-09-20 to amend the zoning on the property from Agriculture One (A1) to Agriculture Two (A2).

ALTERNATIVES

That Council refuse an amendment to Zoning By-law No. 50-12 to change the zoning from Agriculture One (A1) to Agriculture Two (A2) for the subject lands.

This alternative is not recommended as the rezoning is consistent with policies in the United Counties' and North Grenville's Official Plans, and the Provincial Policy Statement. The

proposed Zoning Amendment will also assist with applicants in fulfilling the conditions of their consent application (File No. B-22-19).

FINANCIAL/STAFFING IMPLICATIONS

This item has been identified in the current budget:

Yes ☐ No ☐ N/A ☒

This item is within the budgeted amount:

Yes ☐ No ☐ N/A ☒

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

LINK TO COUNCIL WORK PLAN

The proposed zoning amendment supports the Council Work Plan by aligning with planning policies and goals.

Prepared by:

**Reviewed and
submitted by:**

**Reviewed and submitted
for Council/Committee
Consideration by:**



Amy Martin
Senior Planner

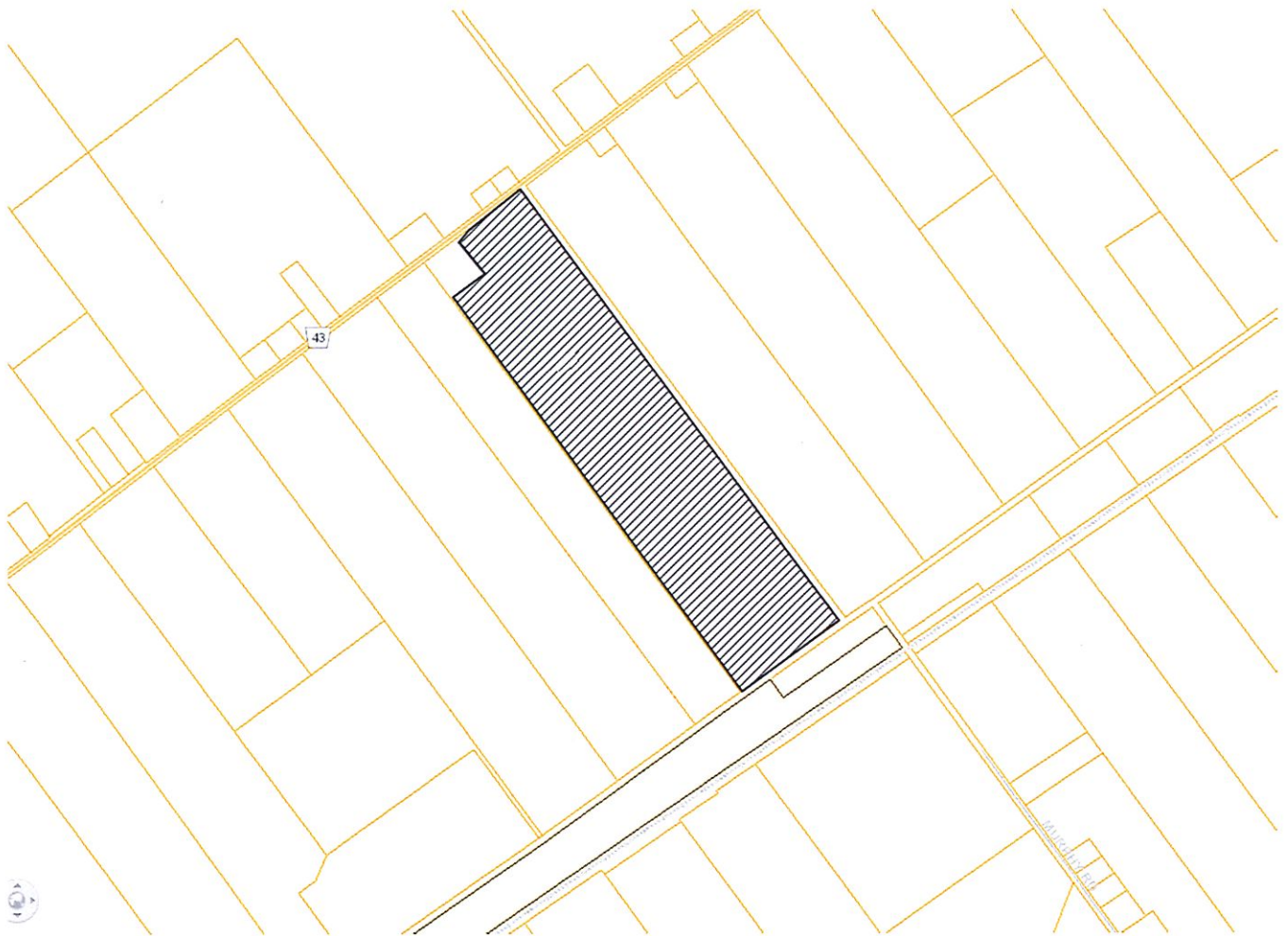


Philip Gerrard
Director of Planning
& Development



Gary Dyke
Chief Administrative
Officer

LOCATION PLAN & PROPOSED ZONING



Subject Lands:



1052 County Road 43, Part Lot 10, Concession 3, Geographic Township of Oxford-on-Rideau, now Municipality of North Grenville

Lands to be rezoned from Agricultural One (A1) to Agriculture Two (A2).

Consent File No. B-22-19 Conditions

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UNITED COUNTIES OF LEEDS AND GRENVILLE CONSENT GRANTING AUTHORITY

DECISION

APPLICATION B-22-19

We the undersigned members of the Consent Granting Authority of the United Counties of Leeds and Grenville; do hereby certify that the following is a decision reached by us at a hearing held at the Counties Offices, 25 Central Avenue, Brockville, Ontario on July 17, 2019. The said decision was reached on the application of **Kathy & Grant Seabrook** to sever a parcel of land being; part of Lot 10, Concession 3E; **Municipality of North Grenville** having dimensions of 450 feet by 300 feet and containing an area of 3.09 acres.

DECISION: GRANTED providing the conditions as stated below are met.

REASONS:

Division of land is compatible with the intent and purpose of the Official Plan and meets the criteria in Section 51 (24) of the Planning Act providing conditions are met.

CONDITIONS:

- (1) That all conditions imposed in the granting of this decision be met and one (1) original paper copy and one (1) digital copy of the registered reference plan of the subject lands, which conforms substantially with the application as submitted, and the instrument relating to the transaction (deed/transfer, grant of right-of-way, etc.) be presented to the Secretary-Treasurer of the Consent Granting Authority for the Certificate of Consent no later than July 19, 2020.
- (2) That the applicant provide a draft reference plan to the Municipality of North Grenville and that a Building Location Survey also be submitted to confirm compliance with North Grenville's Zoning By-law.
- (3) That the applicants apply for a zoning by-law amendment to prohibit residential uses on the retained property.
- (4) That the applicants enter into a Drain Split Agreement for the future maintenance of the Clost Municipal Drain.
- (5) That a covenant be registered on title stating that the severed lot is adjacent to an agricultural area and may, therefore, be subjected to noise, dust, odours and other nuisances associated with agricultural activities.
- (6) That written release of conditions 2, 3, 4 and 5 from the Municipality be submitted to the Consent Granting Authority prior to endorsement of consent on the deed for the severed land.

NOTES:

- (1) The Municipality had no objection providing conditions 2, 3, 4 and 5 are complied with.
- (2) Rideau Valley Conservation Authority had no objection. Two watercourses have been identified on the property, the Clost Municipal Drain and the Murphy Municipal Drain. This application is for a surplus farm consent, therefore there is no anticipated impact on the watercourses as a result of this application. The watercourses are subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act (or as amended). This regulation affects the property in the following manner:
 - Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).
- (3) The Health Unit had no objection. The proposed severance will not affect potential future replacement of the septic system for the house. The septic system installed in 2011 (permit # 07707). The retained land is intended to remain agriculture. The land would accommodate a conventional class 4 septic system, which conforms to Part 8 of the Ontario Building Code.

